

SERVICE DATE - MAY 4, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-534 (Sub-No. 2X)

LAKE STATE RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN  
ALPENA AND PRESQUE ISLE COUNTIES, MI

Decided: April 27, 2001

On May 22, 2000, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the Michigan Department of Natural Resources (MIDNR) to negotiate an interim trail use/rail banking agreement with Lake State Railway Company (Lake State) for a portion of Lake State's Huron Subdivision (the main line) extending northward from the U.S. Highway 23 crossing in Alpena (milepost 125.2) to the end of the main line just north of Metz, MI (milepost 151.25), and Lake State's entire Rogers City Branch extending northward from a point on the main line at Posen, MI (milepost 141.8), to Rogers City, MI, ending at RCB milepost 11.5, a distance of 37.55 miles, in Alpena and Presque Isle Counties, MI. The 180-day period under the NITU was extended through May 17, 2001, by decision served on November 17, 2000.

On April 23, 2001, Lake State filed a request (which it corrected on April 26, 2001) for an extension of the NITU negotiating period for an additional 180 days. It states that Lake State and MIDNR are continuing negotiations towards an agreement and that they expect to complete an agreement within 180 days.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.<sup>1</sup> An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended for an additional 180 days from May 17, 2001.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request of Lake State to extend the NITU negotiating period is granted.

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<sup>1</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

2. The negotiating period under the NITU is extended for 180 days until November 13, 2001.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary